



കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 4 Vol. IV	തിരുവനന്തപുരം, ചൊവ്വ Thiruvananthapuram, Tuesday	2015 ഏപ്രിൽ 7 7th April 2015 1190 മീനം 24 24th Meenam 1190 1937 ചൈത്രം 17 17th Chaithra 1937	നമ്പർ No.
			14

PART IV

Private Advertisements and Miscellaneous Notifications

COCHIN PORT TRUST

NOTIFICATION

No. DC/Handling Dang./Hardz cargo/2014.

21st November 2014.

The Cochin Port Trust (Handling Freight Containers Carrying Dangerous/Hazardous Cargo) Regulations, 2014

In pursuance of sub-section (2) of Section 124 of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of Cochin Port hereby publish "The Cochin Port Trust (Handling Freight Containers Carrying Dangerous/Hazardous Cargo) Regulations, 2014" made by the board in exercise of the powers, conferred under Section 123 of Major Port Trust Act, 1963 in supersession of The Cochin Port Trust (Handling Freight Containers Carrying Dangerous/Hazardous Cargo) Regulations, 1987 for the information of the persons likely to be affected thereby and notice is hereby given that the approval thereto of the Central Government as required under sub-section (1) of Section 124 of that Act, will be applied for on or after the expiry of fourteen days from the date on which this notification is first published in this Gazette:

SCHEDULE

1. *Short title and Commencement:*—

- (i) These Regulations may be called “The Cochin Port Trust (Handling Freight Containers Carrying Dangerous/Hazardous Cargo) Regulations, 2014”.
- (ii) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions :*—

- (i) For the purpose of these Regulations unless the context otherwise requires ‘Port’ means the Port of Cochin.
- (ii) ‘Freight Container’ for dangerous Cargo hereinafter called ‘Container’ means an article of transport equipment specially designed and constructed for the purpose of transport of dangerous goods by one or more modes of transport.

Note:—Containers used for the carriage of dangerous/hazardous cargo shall be of adequate strength to resist the possible stress imposed by the conditions of the services in which they are deployed and they shall be properly and regularly maintained.

- (iii) ‘Closed Container’ means a container, which can be laden only through one or more doors in the side or end walls.
- (iv) ‘Open Top Container’ means a container with the bottom side and walls, but no roof.
- (v) ‘Tank Container’ means container especially built for transport and distributing liquids and gases in bulk in accordance with such conditions as may be required.
- (vi) ‘Platform Container’ means a type of loadable platform having the same overall external length and width as the base of series containers and equipped with top and bottom corner fittings located as on these containers, so that some of the same securing and lifting devices may be used.
- (vii) ‘Container Space’ means a space occupied by one container equivalent to one TEU. One TEU measures 6.1 Mts × 2.4 Mts × 2.4 Mts. This distance may be occupied by a neutral container or containers.
- (viii) ‘Container Parking Yard’ means the yard in which the containers are stacked.
- (ix) ‘Container Handling Equipments’ means the equipments used for safe handling of containers such as Transfer Cranes, Top Lift Trucks, Fork Lift Trucks or any other equipment fitted with special device for lifting containers.
- (x) ‘Container Ship’ means a ship in which the containers are loaded either below the deck or above deck and shall also include container oriented ships handling cargo in break bulk form.
- (xi) ‘Dangerous Cargo Shed’ means a specially constructed shed used for keeping dangerous/hazardous cargo.
- (xii) ‘I.M.O.’ means International Maritime Organization.
- (xiii) ‘IMDG Code’ means the International Maritime Dangerous Goods Code adopted by the Maritime Safety Committee of the International Maritime Organization by Resolution MSC 122 (75), as amended from time to time.

- (xiv) 'Loading & Unloading' refer to the placing of a container aboard a ship and to its removal there from.
- (xv) 'Packages' refer to receptacles for dangerous goods and receptacles containing dangerous/hazardous cargo.
- (xvi) 'Packing & Unpacking' refer to the placing of package containing dangerous/hazardous cargo into a container and their removal there from.
- (xvii) 'Stuffing & De-stuffing' means filling up the container with cargo and removal of cargo from the container.
- (xviii) 'Transport Tractor-Trailer' means a combination of transport tractor with trailer coupled together permanently or temporarily designed primarily for the transportation of goods by road.
- (xix) All other relevant terms and definitions, not expressly defined/covered herein, will have the same meanings assigned to them in the Major Port Trusts Act, 1963, Indian Ports Act, 1908 or the applicable Act(s), in force and as amended from time to time.

3. *Dangerous/Hazardous Cargo:—*

For the purpose of this regulation, the dangerous/hazardous cargo shall cover all substances classified by the International Maritime Dangerous Goods code by the International Maritime Organization.

4. *Classification of Dangerous/Hazardous Goods:—*

For the purpose of this regulation, dangerous/hazardous goods will be divided into the following classes. Those classes are based on the I. M. D. G. Code classifications.

- Class 1 — Explosives
- Class 2 — Gases compressed; liquefied or dissolved under pressure
- Class 3 — Inflammable liquids
- Class 4 — Flammable Solids
- Class 4.1 — Flammable solids (including self reactive substances and solid desensitized explosives)
- Class 4.2 — Substances liable to spontaneous combustion
- Class 4.3 — Substances, which in contact with water emit inflammable gases
- Class 5.1 — Oxidizing substances
- Class 5.2 — Organic Peroxides
- Class 6.1 — Poisonous (Toxic) substances
- Class 6.2 — Infectious substances
- Class 7 — Radio-active substances
- Class 8 — Corrosives
- Class 9 — Miscellaneous dangerous substances and articles, i.e., any other substance which experience has shown or may show to be of such dangerous character as to be treated as dangerous Goods.

5. *General Acceptability of Ships Carrying Dangerous/Hazardous Containers into the Port:—*

- (i) All dangerous/hazardous cargo entering the Port area must be classified, packaged, labeled and/or marked in accordance with the IMDG Code and be declared by the Ship/Shipper accordingly. The container shall also be marked as such and shall be accompanied by a Packing Certificate issued by the Operating Company indicating the contents.
- (ii) Stowage: No ship carrying containers carrying dangerous/hazardous cargo on board shall enter the Port unless the containers are stowed and so documented according to Section 12 of IMDG code as applicable.

6. *Restriction on Entry of Ships carrying Certain Classes and Quantities of Dangerous/Hazardous Cargo:*

- (i) Ships carrying explosives shall be allowed only at such of the anchorages or areas notified by the concerned Port authorities except in such quantities as may be permitted to be handled inside the Port area by the Port Regulations as applicable.
- (ii) No cylinder containing gases compressed, liquefied or dissolved under pressure shall be permitted to be brought inside the Port unless such cylinders are permitted for import/export by the Chief Controller of Explosives.
- (iii) Dangerous goods in tank containers of the following class and type of commodity shall be limited aboard any ship to such quantity as may be notified by the Port.

Class 2	—	Liquefied, Inflammable or Poisonous Gases
Class 3.1	—	Inflammable Liquids e.g. Carbon Disulphide
Class 4.2	—	Spontaneously Combustible Liquids e.g. Aluminium Alkyls
Class 6	—	Tetra-methyl Lead (Fuel additives)
Class 6.1	—	Poisonous (Toxic) substances
Class 6.2	—	Infectious substances
Class 8	—	Corrosives
Class 9	—	Miscellaneous dangerous substances

- (iv) In all such cases, handling of tank containers shall be limited to day light hours and subject to the Consignee taking delivery from the Port premises and they shall not be deposited for any length of time within the Port premises.
- (v) The Deputy Conservator or Officer responsible for the safety of the Port or any authorized representative specially nominated by him for the regulation of the dangerous/hazardous cargo in the Port shall be the sole authority to give permission for landing or loading dangerous/hazardous cargo in containers.

7. *Advance Notification:*

- (i) Ships: The Master or the Ship Owner or Agent must inform the Port Authority at least 48 hours prior to arrival of the ship of the dangerous/hazardous goods in the containers aboard the ship and those to be discharged at the Port.

The intention to land or load dangerous/hazardous cargo shall be given by the Steamer Agents or Consignors/Consignees in an application made in triplicate to the Deputy Conservator for seeking permission at least 48 hours in advance. The application shall include a complete list of all substances with their true chemical name and IMDG Code Number.

One copy of each such application and its enclosure shall be given to the Deputy Conservator, Container Terminal Manager and Traffic Manager. The list shall furnish complete details including their full technical names, quantities, mode of packaging, IMDG classification, if known and other relevant data. The items included in this list shall be serially numbered for reference and follow up correspondence. Application for issue of permits for inflammable liquids including petroleum as defined in the Petroleum Act, 2002, shall contain the following information:

Flash points of such liquids and whether such liquids are miscible with water or not.

In addition to these documents, the Deputy Conservator and Container Terminal Manager should be provided with the information regarding transit cargo of dangerous/hazardous goods containers carried by each ship.

- (ii) Exports: The intention to export dangerous/hazardous cargoes through containers shall be advised to the Port Authority prior to their delivery to the berth at least 48 hours in advance and permission obtained from the Deputy Conservator.
- (iii) Transit: Same prohibitions and restrictions as applicable in respect of dangerous/hazardous cargo for loading or unloading shall be applicable for cargo in transit.

8. *Berthing:*

Any container ship carrying containers containing dangerous/hazardous cargo on board shall be berthed only when permission to berth is granted by the Port Authority at the designated berth.

9. *Stacking of Dangerous/Hazardous Cargo Containers:*

The Port Authorities shall stack the dangerous/hazardous cargo containers in either of the following:

- (i) Stack the containers separately in a specially designated area which has been constructed for storage of dangerous/hazardous cargo and provided with fire fighting arrangements; or
 - (ii) Stack the containers in the parking yard itself by providing proper segregation as per IMDG Code.
10. Containers containing hazardous cargo-brought to ICTT/IGTPL, Port CFS etc., are to be placed in specifically marked area (Noted Area) with proper labels, security arrangements and adequate fire fighting arrangements suitable for the specific IMO-Class cargoes. Permission for IGTPPL is only for transit. The Officer at ICTT/IGTPL authorized by the Deputy Conservator should ensure that segregation and safety requirements including fire fighting are available at the CFS prior to permitting despatch of cargo.
11. The General Manager QHSE, IGTPPL/ICTT or the officer designated by him shall be responsible for the safety of dangerous cargo and its handling in IGTPPL and en-route. The name and designations of the responsible officer for enforcing safe handling of cargo at ICTT/IGTPL shall be intimated to Deputy Conservator.
12. *Special conditions to be followed for permitting transit of Class 7 Cargo:—*

Vessels in Transit carrying IMO-Cargo under Class-7 will be permitted in Cochin Port ICTT subject to the following conditions

- (i) No shifting of containers will be permitted in the Port or on board the vessel.
 - (ii) The port is to be informed atleast 10 days in advance of the arrival of the vessels along with a copy of the stowage plan showing the position of the Class-7 containers.
 - (iii) The information on the arrival of the vessel carrying Class-7 cargos is to be intimated to Deputy Conservator, Harbour Master, Traffic Manager and Terminal Manager ICTT.
 - (iv) Hazardous cargo declaration in respect of 'in transit' container shall also be provided.
13. *Container brought in for customs examination in Cochin Port, Willingdon Island by road/RO-RO Barges:*
- (i) Advance information (48 Hrs) and permission shall be obtained for placing the container at Noted Area or Inspection Ramp in the Port CFS.
 - (ii) Container to be placed with proper IMO Class labels on all sides.
 - (iii) Dwelling time of container at CPT area CFS shall not exceed 48 hours.
 - (iv) Seal verification by the Custom's representatives will be done in the presence of Port Fire Service personnel.

14. *Stuffing & De-stuffing of Containers:*

- (i) The stacking of containers shall be in accordance with Regulation 9 above. The stuffing or destuffing operation shall commence only after obtaining clearance from the Deputy Conservator. The stuffing and destuffing operation shall follow strictly the IMDG guidelines for the packing of dangerous/hazardous cargo in a Freight Container. In case stuffing or destuffing is done in an area in the vicinity of stackyard, a minimum distance of 30 metres around shall be observed.

(ii) Before Stuffing:

- (a) Containers into which dangerous cargoes are to be stuffed shall be examined visually for damage and if there is evidence of material damage, the container shall not be packed. Container shall be clean, dry and fit for use. Irrelevant dangerous cargo labels shall be removed or masked over before stuffing begins.
- (b) Information shall be provided by the shipper about the hazardous proportions of the dangerous cargo to be handled. The shipper shall also ensure that dangerous cargoes are stuffed, marked and labeled in accordance with the IMDG Code. Dangerous cargo shall not be handled unless packaged, marked and labeled in accordance with these regulations.
- (c) Dangerous cargo shall only be handled, stuffed and secured under direct and identifiable supervision of a reasonable person deputed by the Consignor or the Consignee as the case may be, who is familiar with the risks involved and knows which emergency measure should be taken. (He shall also ensure that any necessary protective equipment is available.)
- (d) Smoking shall be strictly prohibited.
- (e) Suitable fire precaution measure shall be taken.
- (f) Packages shall be examined and if any found to be damaged, leaking or sifting shall not be stuffed into a container. Packages showing evidence of staining etc., shall not be packed into a container without first determining that it is safe and acceptable to do so. Water or other matter adhering to packages shall be removed before packing into a container.
- (g) If cargoes are palletized or otherwise utilized they shall be compact and secured in a manner unlikely to damage the individual packages comprising the unit load. The materials used to handle the unit load together shall be compatible with the substances unit load and retain their efficiency when exposed to moisture, extremes of temperature and sunlight.
- (h) In case where electric power supplied is used for any equipment or machinery in the area where containers are stacked or stuffing and destuffing is carried out, the electric supply system in the machinery shall be of a type which will not cause any spark likely to cause hazard.
- (i) A container intended to carry dangerous cargo under temperature control shall be inspected and operated to ensure that the machinery is in proper working order before the shipment is made. A record of the inspection shall be maintained.

(iii) Stuffing and securing:

Special care shall be taken during handling to ensure that the packages or receptacles are not damaged.

- (a) If a package containing dangerous cargo is damaged during handling so that the contents leak out, the immediate area shall be evacuated until the hazard potential can be assessed. The damaged packages shall not be transported.
- (b) No repacking shall be done within the Port premises. If leakage from dangerous cargo is likely to cause any explosion, spontaneous combustion, poisoning or similar danger, personnel shall immediately be moved to save place and the emergency response organisation (eg. the fire service, medical services), pollution control organisation etc. shall be notified as necessary.
- (c) Dangerous goods shall not be stuffed in the same container with incompatible substances.
- (d) Dangerous goods, which may suffer damage by taint, odour or contamination to other products, shall not be stuffed in the same container as goods.
- (e) When dangerous cargo, particularly those from Class 6.1 (Poisons) and Class 8 (Corrosives) are handled, consumption of any form of food or drink shall be prohibited.
- (f) Special packing instructions detailed on individual packages or otherwise available must be strictly observed, (eg.) goods marked "Protect from Frost" shall be stowed away from the walls of the container. Goods marked "this way up" shall be packed accordingly. When dangerous goods consignment forms only part of the load of a container, it shall be stuffed so as to be accessible from the doors of the container.

15. *Marking & Labeling:—*

- (i) The containers shall be sealed prior to dispatch. However, they shall not be locked unless specifically required and agreed to by the container operator. In such cases a key shall be readily available at all times.
- (ii) Containers in which dangerous goods are stuffed shall bear IMO Dangerous goods code class Labels (placards) not less than 250 mm x 250 mm in size. Except where not required by IMDG Code here shall be at least four such labels (Placards) placed externally in conspicuous places, one on each side and one on each end. Labels for the sides of the container shall be affixed in such position that they are not obscured when the container doors are opened.
- (iii) The container shall also bear externally the correct technical name of each of the dangerous substances packed therein.
- (iv) Additional labels as may be required by rail and road transport authorities shall be provided.

16. *Stuffing Certificate:—*

Those responsible for the stuffing of the dangerous cargo into a container shall provide a “Container Stuffing Certificate” certifying that this has been properly carried out and embodying the following provisions.

- (i) That the container was clean, dry and apparently fit to receive the goods.
- (ii) No incompatible goods have been stuffed in the container.
- (iii) All packages have been externally inspected for damage and only dry, sound packages packed.
- (iv) All packages have been properly stuffed in the container and secured and suitable securing materials used.
- (v) The container and packages are properly marked and labelled.
- (vi) The dangerous cargoes in the container are those for which acceptance has been officially obtained with the shipment in question.
- (vii) The container of the dangerous cargo has in each case issued a dangerous cargo’s declaration as to nature of the hazard and that the cargoes are suitably packaged for transport by sea.
- (viii) The container Stuffing Certificate shall be forwarded with the container to be available at the time of loading on board ship.

17. *General Advice on Receipt of Containers Containing Dangerous /Hazardous Cargo for Stuffing/De-stuffing:—*

Containers containing dangerous cargo shall be destuffed with care, always bearing in mind that the cargo may have been damaged in transit. Before the doors are opened, this possibility shall be borne in mind in relation to the properties of the cargo. If there is evidence that damage has occurred and such a condition exists, expert advice must be sought before commencing to de-stuff the containers.

- (i) Any container which carried dangerous cargo particularly, toxic products, shall be ventilated before destuffing commences, that is the door shall be kept open for an adequate period.
- (ii) After any container containing dangerous goods had been destuffed particular care must be taken to ensure that no hazard remains. This may entail special cleaning particularly if toxic spillage has occurred or is suspected. When satisfied that a container offers no hazard, the dangerous goods labels shall be removed.
- (iii) If any container shows signs of heat it shall be removed to a safe place and fire services immediately notified. Care shall be taken to see that any fire fighting methods to be used are suitable for the cargo in question.
- (iv) Attention is drawn to the fact that the consignee is normally obliged to return the container, after discharging clean and suitable for the transport of every kind of cargo. This applies especially when poisonous, dangerous or obnoxious cargo has been transported.

18. *De-stuffing of Dangerous/Hazardous Cargoes:—*

- (i) Notification of import of dangerous cargo must be given to the concerned port authority by the consignee/ importer or his agent prior to the arrival of the container within the port.

- (ii) Dangerous cargo containers shall be destuffed with care always bearing in mind that the cargo may have been damaged in transit. Before the doors are opened, this possibility shall be borne in mind in relation to the properties of the cargo. If there is evidence that such damage has occurred, expert advice must be sought before commencing destuffing of the container.
- (iii) If cargo is destuffed and checked, it must be separated according to its class and placed in the correct storage area. Any discrepancy in respect of marks, labels or type of packaging must be reported to the Supervisor and the operating company shall be advised at the earliest opportunity.
- (iv) Areas for the storing of the various classes shall be clearly defined and where possible there shall be an outside stowage provided the packaging is suitable. In any event dangerous goods shall be set apart from the general cargo within the transit shed.
- (v) Removal of import dangerous cargo must be effected immediately.
- (vi) All dangerous cargo labels shall be removed as soon as the container can be declared non hazardous.
- (vii) LCL (Less than a Container Load) containers containing part IMO cargo shall be permitted to be de-stuffed in Port CFS. IMO cargo carried in such LCL containers shall be de-stuffed first followed by the General cargo. Thereafter, the IMO cargo shall be stuffed back in the container. IMO Cargo shall only be delivered along with the container sealed.
- (viii) IMO cargo shall not be stored in the Port's CFS.
- (ix) FCL containers are permitted for direct delivery.
- (x) LCL Containers for de-stuffing are to be placed at Noted Area marked for placement of IMO containers at Port CFS with proper labels on all sides.
- (xi) Permission for de-stuffing is to be obtained from Deputy Conservator or his authorised deputies.
- (xii) Observe Motor Vehicle Rules (MVR) for road transportation.

19. Total quantity dangerous cargo in a designated area shall not exceed ten container load.

20. *Fire Fighting*:—

- (i) Special fire fighting provisions shall be made in the designated areas where dangerous/hazardous cargo containers are kept. These shall include:
 - (a) The provision for all fire fighting equipment as required by national or local regulations in properly maintained and fully operational condition.
 - (b) The provision of clear information as to emergency routines to be followed and regular practice of such routines.
 - (c) Good liaison between the container base and the local fire brigade. This means to call the fire service shall be readily available at all times.
 - (d) Good housekeeping and cleanliness: For example, Patches of oil mixed with the sawdust and potential sources of ignition, heaps of rubbish can be readily ignited, and piles of dunnage can assist in the rapid spread of the fire.
 - (e) Proper care shall be taken to minimize sources of ignition such as smoking, unprotected or ill maintained electrical installations or main equipment.
 - (f) Proper care of machinery and with its operations regularly where refuelling is concerned.
 - (g) Clear access to fire appliances within the premises shall be maintained and its route kept clear all times emergency vehicles to reach the area.
- (ii) Special equipment:
 - (a) Adequate and proper breathing apparatus shall be provided and trained in its use so as to render immediate assistance should personnel be affected by noxious fumes.
 - (b) Protective clothing, comprising rubber boots and gloves and apron together with oilskins shall be available for use in dealing with spilt material.
 - (c) Receptacles of inert materials shall be available for use in minimizing the spread of spilt liquid.
 - (d) Nothing in this section shall prevent calling upon the proper emergency service such on as soon as troubles arising.

(iii) Lighting:

(a) Wherever and whenever dangerous goods are handled or other goods handled adjacent to dangerous goods, adequate and flame proof lighting shall be provided.

(b) It shall be remembered that labels may appear to change colour in artificial light.

21. *Segregation of IMO containers:—*

The segregation of IMO containers shall be in accordance with the provisions of the IMDG Code.

22. In these Regulations, where a procedure is not expressly provided for the provisions of the IMDG Code shall apply.

23. Any person who contravenes any of the aforesaid provisions or orders made there under shall be punishable with fine which may extend up to ₹ 1,00,000 and where the contravention or failure is continuing— with fine which may extend up to ₹ 5,000 per day of such continued offence. The quantum of fine in each case shall be determined by the Chairman, Cochin Port Trust.

24. *Power to remove difficulties and framing of Standard Operating Procedures:—*

If any difficulty arises in giving effect to these regulations, the Chairman, Cochin Port Trust shall take action, as felt necessary or expedient for the purpose of removing such difficulty. Under the authority of Chairman, specific standard operating procedures shall be framed by the respective Departments from time to time.

DR. C. UNNIKRISHNAN NAIR,
Secretary.
